

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

SYDNEY R. REYNOLDS,)	
)	
Petitioner,)	
)	
-vs-)	Case No. CIV-07-1058-F
)	
MIKE CARR, District Supervisor,)	
)	
Respondent.)	

ORDER


On October 9, 2007, United States Magistrate Judge Gary M. Purcell issued a Report and Recommendation, wherein he recommended that petitioner's petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 be dismissed with prejudice as barred by the 28 U.S.C. § 2244(d)(1) statute of limitations.

Presently before the court is petitioner's timely objection to the Report and Recommendation. Having conducted a de novo review of the matter in accordance with 28 U.S.C. § 636(b)(1), the court concurs with the analysis and recommendation of Magistrate Judge Purcell. The court also finds petitioner's objection to be without merit. The court therefore accepts, adopts, and affirms the Report and Recommendation.

In reviewing the record, the court notes that on September 21, 2007, petitioner filed an Application to Proceed Without Prepayment of Fees and Affidavit (doc. no. 2). On that same date, however, the clerk of the court received the filing fee of \$5.00 from petitioner. In light of the petitioner paying the filing fee, the court concludes that petitioner's application should be denied as moot.

Accordingly, the Report and Recommendation issued by United States Magistrate Judge Gary M. Purcell on October 9, 2007 (doc. no. 8) is **ACCEPTED**, **ADOPTED**, and **AFFIRMED**. Petitioner's petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 (doc. no. 1), filed September 21, 2007, is **DISMISSED with prejudice**. Petitioner's Application to Proceed Without Prepayment of Fees and Affidavit (doc. no. 2), filed September 21, 2007, is **DENIED as moot**.

DATED October 30, 2007.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE

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